

## II. Listing of the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) An intervertebral implant comprising:

a first member for engaging a first vertebral body, the first member comprising a first surface with a first curve defining a concave recess, the first curve having a first radius of curvature;

a second member for engaging a second vertebral body, the second member comprising a second surface with a second curve defining a convex projection, the second curve having a second radius of curvature smaller than the first radius of curvature; and

a center member adapted for placement at least partially ~~the~~ between the first member and the second member, the center member including:

a convex third surface for movably mating with the concave recess defined by the first curve of the first surface, the third surface having a third radius of curvature substantially similar to the first radius of curvature,

a fourth surface having a concave central portion and a convex outer portion extending substantially around the concave central portion, the concave central portion for movably mating with the convex projection defined by the second curve of the second surface, the concave central portion having a fourth radius of curvature substantially similar to the second radius of curvature and the convex outer portion having a fifth radius of curvature substantially similar to or larger than the first radius of curvature;

wherein the first member is translatable with respect to the second member and the first and second members are biased towards a central alignment along a longitudinal axis passing through the first and second vertebral bodies.

2. (Previously Presented) The intervertebral implant of claim 1 wherein the first radius of curvature is constant and has a first center point.

3. (Previously Presented) The intervertebral implant of claim 2 wherein the second radius of curvature is constant and has a second center point.

4. (Previously Presented) The intervertebral implant of claim 3 wherein central alignment comprises alignment of the first and second center points along the longitudinal axis.
5. (Canceled)
6. (Withdrawn) The intervertebral implant of claim 1 wherein the first curve has a variable radius.
7. (Previously Presented) The intervertebral implant of claim 1 wherein the first surface has a combination of curved and flat portions.
8. (Canceled)
9. (Previously Presented) The intervertebral implant of claim 1 wherein the center member articulates between the first and second surfaces as the first member is translated relative to the second member.
10. (Withdrawn) The intervertebral implant of claim 1 wherein the second surface has a semi-cylindrial protrusion extended along a lateral axis.
11. (Previously Presented) The intervertebral implant of claim 1 wherein the convex projection of the second surface is has a semi-spherical protrusion.
12. (Withdrawn) The intervertebral implant of claim 1 wherein the first and second surfaces have depressions.
13. (Withdrawn) The intervertebral implant of claim 1 further comprising a restraint mechanism for restricting motion along a lateral axis.
14. (Original) The intervertebral implant of claim 1 wherein the first member is translatable with respect to the second member along an anterior-posterior axis.

15. (Original) The intervertebral implant of claim 1 further comprising a neutral position and a first position wherein in the first position, the implant is biased to move toward the neutral position.

16. (Original) The intervertebral implant of claim 15 wherein in the first position, the first curve is in closer conformance with the second curve.

17. (Original) The intervertebral implant of claim 1 wherein the first curve is wider than the second curve.

18. (Previously Presented) The intervertebral implant of claim 1 wherein the first member is superior to the second member along the longitudinal axis.

19. (Canceled)

20. (Withdrawn) The intervertebral implant of claim 1 wherein the first and second surfaces are concave.

21-23. (Canceled)

24. (Previously Presented) The intervertebral implant of claim 1 wherein the first member includes a first engagement surface for engaging a first vertebral endplate of the first vertebral body.

25. (Previously Presented) The intervertebral implant of claim 24 wherein the first engagement surface is shaped to substantially conform to a first shape of the first vertebral endplate.

26. (Previously Presented) The intervertebral implant of claim 25 wherein the first engagement surface is substantially flat.

27. (Withdrawn) The intervertebral implant of claim 25 wherein the first engagement surface is at least partially curved.

28. (Withdrawn) The intervertebral implant of claim 25 wherein the first engagement surface is at least partially convex.

29. (Previously Presented) The intervertebral implant of claim 25 wherein the second member includes a second engagement surface for engaging a second vertebral endplate of the second vertebral body.

30. (Previously Presented) The intervertebral implant of claim 26 wherein the second engagement surface is shaped to substantially conform to a second shape of the second vertebral endplate.

31. (Previously Presented) The intervertebral implant of claim 1, wherein the convex third surface and the fourth surface of the center member each have substantially circular circumferences.

32. (Previously Presented) The intervertebral implant of claim 31, wherein the circular circumference of the convex third surface is substantially similar to the circular circumference of the fourth surface.

33. (Previously Presented) The intervertebral implant of claim 32, wherein the center member further includes a sidewall extending between the convex third surface and the fourth surface.

34. (Previously Presented) The intervertebral implant of claim 33, wherein the sidewall is substantially planar.